



# California Regional Water Quality Control Board Lahontan Region



**Linda S. Adams**  
*Secretary for Environmental  
Protection*

2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150  
(530) 542-5400 • Fax (530) 544-2271  
<http://www.waterboards.ca.gov/lahontan>

**Arnold Schwarzenegger**  
*Governor*

## MINUTES April 12-13, 2006

### Regular Meeting

Truckee Donner Public Utility District  
Board Room  
11570 Donner Pass Road  
Truckee, CA 96160

Dr. Horne, Chair, called the meeting to order at 4:00 p.m.

#### Board Members Present

John Brissenden, Hope Valley  
Jim Chapman, Susanville  
Keith Dyas, Rosamond  
Amy Horne, Ph.D., Truckee  
Eric Sandel, Truckee  
Susan J. Van Dam, Barstow

#### Board Member Absent

Jack Clarke, Apple Valley

#### Legal Counsel

David Coupe, State Water Resources Control Board

#### Staff Present

Harold Singer, Executive Officer  
Bob Dodds, Assistant Executive Officer  
Chuck Curtis, Supervising WRCE  
Lauri Kemper, Supervising WRCE  
Laurie Applegate, Executive Assistant  
Eric Shay, Office Technician

Bud Amorfini, Environmental Scientist  
Richard Booth, Senior Engineering Geologist  
George Cella, Engineering Geologist  
Anne Holden, Engineering Geologist  
Tammy Lundquist, Engineering Geologist

#### Addressing the Board

Cheryl Bly-Chester, Rosewood Environmental Engineering  
Robert Costa and Peter Kraatz, Placer County  
Liz Day  
Josh Fortmann and Chris Spandau, Kleinfelder  
Carl Gustafson, Squaw Valley resident  
John Heldman, Resort at Squaw Creek  
Ed Heneveld, Squaw Valley resident  
Michael Hogan, Integrated Environmental  
Mike Livak, Squaw Valley Ski Corporation

**California Environmental Protection Agency**

*Recycled Paper*



Peter Petty, Peters Shorthand Reporting Corporation  
Pam Rocca  
Craig Seltenrich, ECORP Consulting  
Lisa Wallace, Truckee resident

### **OTHER BUSINESS**

#### **1. Executive Officer's Report**

Mr. Singer discussed items from the April 2006 written report. He handed out a copy of a letter to John Singlaub, Executive Director of the Tahoe Regional Planning Agency, dated April 10, 2006 containing Regional Board staff comments regarding the draft fuel reduction and forest restoration plan for the Lake Tahoe Basin.

Mr. Singer also discussed the following: possible pond overflows and pond treatment at Leviathan Mine; Regional Board staff comments regarding regulations proposed by the California Board of Forestry that would allow green tree thinning in stream environment zones in the Tahoe Basin; and a recent State Board Order adopted on petition related to an Order of the Los Angeles Regional Board.

Mr. Singer reminded the Board of the April 1 deadline for submittal of Form 700.

The afternoon session recessed at 5:00 p.m.

### **Regular Meeting, Continued** **7:00 p.m., April 12, 2006**

Dr. Horne, Chair, called the meeting to order at 7:00 p.m. Board members present: John Brissenden, Jim Chapman, Keith Dyas, Eric Sandel and Susan Van Dam. Board member absent: Jack Clarke.

#### **2. PUBLIC FORUM**

Carl Gustafson, Squaw Valley resident, thanked the Board for their concern about Squaw Creek. Mr. Gustafson discussed findings of the publication "*State of Sierra Waters, A Sierra Nevada Watersheds Index*," by the Sierra Nevada Alliance as it relates to the impairment of Squaw Creek.

Mr. Singer responded that although the data in the Sierra Nevada Alliance report may be accurate, some of the conclusions are questionable. Mr. Singer will meet with members of the Sierra Nevada Alliance to discuss his concerns regarding the conclusions of the report.



Lisa Wallace, Truckee resident, discussed the impact of the July 2005 Kings Beach sewage spill on the local economy. Ms. Wallace read excerpts from various newspaper articles on the economic impacts to local businesses.

### **MINUTES**

#### **3. Minutes of the Regular Meeting of March 8 and 9, 2006 in Lancaster, California**

- **Motion:** Moved by Mr. Dyas, seconded by Mr. Sandel and **unanimously carried** to adopt the March 8-9, 2006 minutes as proposed. Note: Mr. Chapman abstained.

#### **4. ADOPTION OF THE UNCONTESTED CALENDAR**

Items 5 and 6 were removed from the uncontested calendar to be considered separately by the Board. Item 10 remained on the uncontested calendar.

- **Motion:** Moved by Mr. Brissenden, seconded by Mr. Sandel and **unanimously carried** to adopt Item 10 on the uncontested calendar.

### **AMENDED NPDES PERMIT**

#### **5. Tahoe Keys Property Owners Association Lagoon and Marina Water Circulation System, Board Order No. R6T-2004-0024A1, WDID 6A90089000, El Dorado County**

Lauri Kemper gave the staff presentation. Ms. Kemper handed out and discussed a document entitled TKPOA Water Quality Analysis During Circulation System Operation and a map showing the intake and discharge sampling locations. Ms. Kemper revised the staff recommendation to maintain a weekly sampling frequency for total kjeldhl nitrogen, total phosphorus, acid soluble aluminum and fecal coliform instead of reducing the frequency to monthly.

- **Motion:** Moved by Mr. Sandel, seconded by Mr. Brissenden **and unanimously carried** to adopt the amended NPDES permit with the changes suggested by Ms. Kemper.

### **AMENDED WASTE DISCHARGE REQUIREMENTS**

#### **6. Resort at Squaw Creek, Board Order No. 6-93-26A5, Placer County**

Mr. Sandel explained that his request to remove this item from the uncontested calendar for further discussion was not due to an objection to the herbicide Lontrel, but to the proposed change of procedure found on the bottom of page 3 of the Order. The change, as proposed, would allow the Board to delegate authority to the Executive Officer to grant approval of Technical Review Committee (TRC) and staff recommended changes to the CHAMP regarding herbicide, fungicide and fertilizer use at the golf course. Mr. Sandel suggested the delegation of authority to the Executive Officer be deleted from the Order.



Addressing the Board: Liz Day; Pam Rocca; Carl Gustafson; Josh Fortmann and Chris Spandau, Kleinfelder; John Heldman, Resort at Squaw Creek.

Lauri Kemper and George Cella, Lahontan Water Board staff, responded to questions from interested parties and the Board.

- **Motion:** Moved by Mr. Sandel and seconded by Mr. Dyas to adopt the amended Order permitting the use of Lontrel and deleting all reference within the Order to delegating authority to the Executive Officer.

Mr. Chapman suggested that the Board consider amending the Order to eliminate the use of Roundup and 2,4-D, given the testimony heard by the Board regarding the preferred use of Lontrel to Roundup and 2,4-D. Dr. Horne noted her preference to wait for a recommendation from the TRC before taking such an action. Mr. Singer commented that the item had not been publicly noticed to remove Roundup and 2,4-D from the CHAMP. He recommended that prior to taking such an action, the Board refer the matter to the TRC for review and notice the proposed action for public comment. Mr. Chapman stated he would be willing to support the motion if it included a request for feedback from the TRC, the discharger, Regional Board staff and the public regarding amending the Order to eliminate the use of Roundup and 2,4-D. Dr. Horne suggested the Board first vote on the motion on the floor and then provide direction to staff.

Dr. Horne restated the motion on the floor.

Voting yes: Mr. Dyas, Dr. Horne, Mr. Sandel and Ms. Van Dam

Voting no: Mr. Brissenden and Mr. Chapman

Motion carried 4-2.

Mr. Sandel suggested the Board direct Mr. Singer to write a letter to the TRC asking them to revisit the use of Roundup and 2,4-D. The Board concurred.

Mr. Chapman commented that by voting no he was not opposing the use of Lontrel. He noted he would support a future amendment allowing the use of Lontrel and deleting the use of 2,4-D and Roundup.

### **ENFORCEMENT ACTION**

#### **7. Kinder Morgan Energy Partners, Consideration of Referral to the California Attorney General for Judicially Imposed Civil Liabilities for a Fuel Pipeline Spill on or about April 1, 2005 in an Area Near Norden**

Chuck Curtis gave the staff presentation and recommended the Board adopt the Resolution as proposed.

- **Motion:** Moved by Mr. Sandel, seconded by Mr. Brissenden and **unanimously carried** to adopt the Resolution as proposed.



## **PLANS AND POLICIES**

8. **Public Hearing – Consideration of a Proposed Amendments to the Water Quality Control Plan for the Lahontan Region to: 1) Clarify the Applicability of Waste Discharge Prohibitions to Storm Water Discharges, and 2) Provide a Provision for Compliance Schedules in NPDES Permits, and a Related Environmental Document**

Note: This item was transcribed by an electronic court reporter. To purchase a transcript, contact Peters Shorthand Reporting Corporation at (916) 362-2345.

Dr. Horne opened the public hearing.

Bud Amorfini gave the staff presentation and answered questions from the Board. He recommended the Board certify the substitute environmental document and adopt the Basin Plan amendments as proposed. Mr. Chapman discussed the funding constraints of the California Department of Transportation.

Dr. Horne closed the public hearing.

- **Motion:** Moved by Mr. Dyas, seconded by Mr. Sandel **and unanimously carried** to certify the substitute environmental document and adopt the Basin Plan amendments as proposed.

## **STATUS REPORT**

9. **Status Report on Pathway 2007 Process for Lake Tahoe**

Lauri Kemper gave the status report. The Board took no action.

## **OTHER BUSINESS**

10. **Adoption of the Priority List for the Emergency, Abandoned, Recalcitrant (EAR) Account, Fiscal Year 2006-2007**

(The Board adopted this item. See Item 4 – Adoption of the Uncontested Calendar.)

12. **CLOSED SESSION**

The Board met in closed session from 9:35 p.m. to 9:59 p.m. to discuss Item j.

The evening session recessed at 10:00 p.m.



**Regular Meeting, Continued**  
**8:30 a.m., April 13, 2006**

Dr. Horne, Chair, called the meeting to order at 8:30 a.m. Board members present: John Brissenden, Jim Chapman, Keith Dyas, Eric Sandel and Susan Van Dam. Board member absent: Jack Clarke.

**PLANS AND POLICIES**

**13. *Public Hearing* – Consideration of an Amendment to the Water Quality Control Plan for the Lahontan Region to Adopt a Total Maximum Daily Load for Sediment in Squaw Creek, Placer County, and a Related Environmental Document**

Note: This item was transcribed by an electronic court reporter. To purchase a transcript, contact Peters Shorthand Reporting Corporation at (916) 362-2345.

Mr. Sandel declared a conflict of interest with this item.

Dr. Horne opened the public hearing.

Anne Holden gave the staff report and answered questions from the Board. Also answering questions from the Board: Harold Singer, Chuck Curtis, Bud Amorfini and David Coupe. Ms. Holden recommended the Board adopt the Resolution certifying the substitute environmental document and approving the Basin Plan amendment as proposed.

Providing testimony to the Board: Robert Costa and Peter Kraatz, Placer County; Mike Livak, Squaw Valley Ski Corporation; Craig Seltenrich, ECORP Consulting; Cheryl Bly-Chester, Rosewood Environmental Engineering; Carl Gustafson; Michael Hogan, Integrated Environmental; Ed Heneveld; Lisa Wallace, Truckee River Watershed Council; and Pam Rocca.

With no further testimony, Dr. Horne closed the public hearing, followed by Board member discussion.

- **Motion:** Moved by Mr. Dyas, seconded by Mr. Brissenden **and unanimously carried** to certify the substitute environmental document and adopt the Resolution as proposed. Note: Mr. Sandel did not vote.

**OTHER BUSINESS**

**11. Reports by Chair and Board Members**

Mr. Dyas noted that former Regional Board member Bishop Henry Hearn was recently elected Mayor of the City of Lancaster.



**14. ADJOURNMENT OF MEETING**

With no further business to come before the Board, the meeting adjourned at 11:50 a.m.

Prepared by: \_\_\_\_\_ Adopted: June 14, 2006  
*Original Signed By:*  
Laurie Applegate, Executive Assistant

